1 LEWIS AND ROCA LLP Electronically Filed November 8, 2007 Susan M. Freeman (AZ 4199) pro hac vice 2 Rob Charles (NV 6593) 3 Anne M. Loraditch (NV 8164) 530 Las Vegas Boulevard South Las Vegas, Nevada 89101 4 Telephone (702) 385-3373 5 Facsimile (702) 385-9447 Email: sfreeman@lrlaw.com 6 rcharles@lrlaw.com aloraditch@lrlaw.com 7 Attorneys for USACM Liquidating Trust UNITED STATES BANKRUPTCY COURT 8 9 DISTRICT OF NEVADA In re: Case No. BK-S-06-10725-LBR 10 Case No. BK-S-06-10726-LBR 11 USA COMMERCIAL MORTGAGE COMPANY, Case No. BK-S-06-10727-LBR Case No. BK-S-06-10728-LBR USA CAPITAL REALTY ADVISORS, LLC, 12 Case No. BK-S-06-10729-LBR USA CAPITAL DIVERSIFIED TRUST DEED 13 CHAPTER 11 FUND, LLC, 14 Jointly Administered Under USA CAPITAL FIRST TRUST DEED FUND, LLC. Case No. BK-S-06-10725 LBR 15 USA SECURITIES, LLC, NOTICE OF ENTRY OF ORDER 16 Debtors. SUSTAINING OBJECTION OF USACM TRUST TO SANDLER LIVING TRUST'S Affects: 17 **CLAIM [NO. 10725-00218] FILED IN** ☐ All Debtors WRONG DEBTOR'S CASE; AND 18 ■ USA Commercial Mortgage Company SUSTAINING OBJECTION OF DTDF TO ☐ USA Capital Realty Advisors, LLC PROPOSED ALLOWANCE OF CLAIM; ☑ USA Capital Diversified Trust Deed Fund, LLC 19 AND CERTIFICATE OF SERVICE ☐ USA Capital First Trust Deed Fund, LLC □ USA Securities, LLC 20 21 PLEASE TAKE NOTICE that on the 8th day of November 2007, the Court in the above-captioned case entered its Order Sustaining Objection of USACM Trust to Sandler 22 23 Living Trust's Claim [No. 10725-00218] Filed in Wrong Debtor's Case; and Sustaining 24 Objection of DTDF to Proposed Allowance of Claim, a copy of which is attached hereto. 25 ///

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	ROCA
	LAWYERS
1	DATED this 8th day of November 2007.
2	LEWIS AND ROCA LLP
3	By /s/ Anne M. Loraditch (008164)
4 5	Susan M. Freeman Rob Charles Anne M. Loraditch
6	530 Las Vegas Boulevard South Las Vegas, Nevada 89101
7	Telephone: (702) 385-3373 Facsimile: (702) 385-5024
8	Attorneys for USACM Liquidating Trust
9	
10	
11	CERTIFICATE OF SERVICE
12 13	I certify that a copy of the foregoing was served via first class mail, postage prepaid, addressed as set forth below, on this 8th day of November 2007, to:
14	The Sandler Living Trust
15	c/o Robert B. and Patricia D. Sandler, Trustee
16	8912 E. Pinacle Road, Box 591 Scottsdale, AZ 85255
17	By_/s/ Tamika Shauntee
18	Tamika Shauntee, Lewis and Roca LLP
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Case 06-10725-gwz Doc 5310 Entered 11/08/07 15:17:48 Page 3 of 5 Case: 06-10725-lbr Doc #: 5309 Filed: 11/08/2007 Page: 1 of 3 BANKRUP 1 2 **Entered on Docket** November 08, 2007 3 Hon, Linda B, Riegle United States Bankruptcy Judge 5 LEWIS AND ROCA LLP **ORRICK, HERRINGTON & SNELL & WILMER, LLP** 6 Susan M. Freeman (AZ 4199) SUTCLIFFE LLP Robert R. Kinas (NV 06019) Marc A. Levinson (CA 57613) pro hac vice Claire Dossier (NV 10030) 7 Rob Charles (NV 6593) pro hac vice 3883 Howard Hughes Parkway Anne M. Loraditch (NV 8164) Jeffery D. Hermann (CA 90445) **Suite 1100** 8 530 Las Vegas Boulevard South pro hac vice Las Vegas, Nevada 89169 Las Vegas, Nevada 89101 400 Capitol Mall Telephone: (702) 784-5200 9 Telephone (702) 385-3373 Sacramento, California 95814 Facsimile: (702) 784-5252 Facsimile (702) 385-9447 Telephone: (916) 447-9200 Email: rkinas@swlaw.com 10 Email: sfreeman@lrlaw.com Facsimile: (916) 329-4900 cdossier@swlaw.com rcharles@lrlaw.com Email: malevinson@orrick.com 11 aloraditch@lrlaw.com jhermann@orrick.com Attorneys for USA Capital Diversified Trust Deed Fund, LLC Attorneys for USACM Liquidating Trust 12 UNITED STATES BANKRUPTCY COURT 13 DISTRICT OF NEVADA 14 In re: Case No. BK-S-06-10725-LBR 15 Case No. BK-S-06-10726-LBR USA COMMERCIAL MORTGAGE COMPANY. Case No. BK-S-06-10727-LBR 16 Case No. BK-S-06-10728-LBR USA CAPITAL REALTY ADVISORS, LLC, Case No. BK-S-06-10729-LBR 17 USA CAPITAL DIVERSIFIED TRUST DEED FUND, CHAPTER 11 18 LLC, Jointly Administered Under 19 USA CAPITAL FIRST TRUST DEED FUND, LLC, Case No. BK-S-06-10725 LBR 20 USA SECURITIES, LLC, ORDER SUSTAINING OBJECTION OF Debtors. USACM TRUST TO SANDLER LIVING 21

USACM TRUST TO SANDLER LIVING
TRUST'S CLAIM [NO. 10725-00218] FILED
IN WRONG DEBTOR'S CASE; AND
SUSTAINING OBJECTION OF DTDF TO
PROPOSED ALLOWANCE OF CLAIM

Hearing Date:

November 2, 2007

Hearing Time:

9:30 a.m.

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Affects:

☐ All Debtors

☐ USA Securities, LLC

■ USA Commercial Mortgage Company

☐ USA Capital First Trust Deed Fund, LLC

☑ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital Realty Advisors, LLC

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The Court having considered the "Objection of USACM Trust to the Sandler Living Trust's Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Claim" [Docket No. 4815] (the "Objection"); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

- 1. The objection is sustained;
- 2. Proof of Claim No. 10725-00218 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF"); and
- 3. The Sandler Living Trust's equity interest in DTDF is allowed in the amount of \$24,023.66, as reflected in DTDF's books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By s/Rob Charles (006593) Susan Freeman Rob Charles Anne M. Loraditch 530 Las Vegas Boulevard South Las Vegas, Nevada 89101 Telephone: (702) 385-3373 Facsimile: (702) 385-5024

Attorneys for USACM Liquidating Trust

SNELL & WILMER, LLP

By s/Claire Dossier (010030)
Robert R. Kinas
Claire Dossier
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
Telephone (702) 784-5200
Facsimile (702) 784-5252

and

ORRICK, HERRINGTON & SUTCLIFFE LLP

Marc A. Levinson Jeffery D. Hermann 400 Capitol Mall, Suite 3000 Sacramento, California 95814-4497 Telephone: (916) 447-9200 Facsimile: (916) 329-4900

Attorneys for USA Capital Diversified Trust Deed Fund, LLC

Case 06-10725-gwz Doc 5310 Entered 11/08/07 15:17:48 Page 5 of 5 HOWSE: 06-10725-lbr Doc #: 5309 Filed: 11/08/2007 Page: 3 of 3 AWYERS **RULE 9021 DECLARATION** 1 In accordance with Local Rule 9021, the undersigned certifies: 2 3 The Court waived the requirements of LR 9021. I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at 4 the hearing noted above, and each has: 5 ☐ approved the form of this order; and/or ☐ waived the right to review the order; and/or 6 and failed to file and serve papers in accordance with LR 9021(c); and 7 the following have disapproved the form of the order: 8 No opposition was filed to the objection and no other party or counsel appeared at 9 the hearing. LEWIS AND ROCA, LLP 10 11 By: s/ Rob Charles Rob Charles (Nevada Bar No. 6593) 12 530 Las Vegas Boulevard South 13 Las Vegas, Nevada 89101 14 ### 15 16 17 18 19 20 21 22 23 24 25 26